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November 28, 2022

VIA ECF

The Honorable John G. Koeltl
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St. Room 1330
New York, NY 10007-1312
(212)-805-0222

*This action is stayed pending
a decision on the motion to
enforce the alleged settlement
agreement. So ordered
for USDC/US D.C.
11/28/22.*

Re: Garmashov v. United States Parachute Association, Inc.
Case No.: 1:21-cv-04917-JGK-OTW

Dear Judge Koeltl:

We represent the Defendant, United States Parachute Association (“USPA”), in the above-referenced matter.

Presently, Plaintiff’s motion to confirm a settlement is pending before Your Honor. (See ECF Nos. 36 & 37). On behalf of our client, we have opposed that motion (See ECF No 39).

Mag. Judge Ona Wang held settlement conferences with the parties over the course of several months, but the matter was not able to be settled, and we understand she advised Your Honor to decide the pending motion.

For some period of time the case was stayed, up through October 28, 2022. (See ECF Doc 60).

A prior order issued by Your Honor requires a Joint Pre-Trial Order to be filed on December 16, 2022, or 21 days after a decision on any dispositive motion, which, we believe the motion to confirm a settlement is since if Plaintiff succeeds it effectively disposes of the dispute.

On behalf of the USPA, and in order to protect our client, we filed a notice of discovery and inspection and notice of deposition on September 6, 2022, (See ECF Doc. Nos. 56 and 57) however, settlement discussions were in progress with Mag. Judge Wang at that time. Responses to our document demand are outstanding as is a deposition of the Plaintiff.

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The Parties now have a Joint Pre-Trial Order due on December 16, 2022, or 21 days after a decision on any dispositive motion.

Plaintiff's counsel contends that this matter is stayed, but that is not our understanding based on Judge Wang's Order of September 15, 2022 (See ECF Doc 60).

Depending on the outcome of the motion, discovery will need to be conducted in advance of any trial. Submission of a Joint Pre-Trial Order on or around December 16, 2022, would appear to be impractical as discovery has not been had.

One possible course of action would be to submit an updated schedule to reflect the events in this case over the past several months with a new proposed pre-trial order date.

At this time, we would request a telephone conference with the Court wherein we would hope to seek the Court's guidance on the future handling of this matter.

If the Court is amenable to a conference, we will confer with counsel and submit several proposed dates.

Thank you for your attention to this matter. Please contact the undersigned with any questions.

Respectfully Submitted,

/s/ Kenneth A. McLellan

Kenneth A. McLellan

cc: (*VIA ECF*)

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